

2000 GENERAL ASSEMBLY

FB 2000-2002 CONFERENCE BUDGET REPORT ANALYSIS

JUDICIAL BRANCH

HB 577/SCS

APRIL 14, 2000

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**CONFERENCE BUDGET REPORT ANALYSIS
2000 GENERAL ASSEMBLY -- OPERATING BUDGET SUMMARY**

Governmental Branch: Judicial Branch
Cabinet/Function:

Agency:
Appropriation Unit:

	FY 1999-2000			FY 2000-2001			FY 2001-2002		
	House	Senate	Conference	House	Senate	Conference	House	Senate	Conference
I. APPROPRIATIONS SUMMARY BY FUND SOURCE									
General Fund	168,927,200	168,927,200	168,927,200	179,206,000	177,495,500	178,475,400	194,872,700	193,157,100	192,590,500
Restricted Funds	7,771,000	7,771,000	7,771,000	8,031,200	8,031,200	8,031,200	8,207,300	8,207,300	8,207,300
Federal Funds	2,388,900	2,388,900	2,388,900	2,083,300	2,083,300	2,083,300	1,734,700	1,734,700	1,734,700
Regular Total Funds	179,087,100	179,087,100	179,087,100	189,320,500	187,610,000	188,589,900	204,814,700	203,099,100	202,532,500
General Fund Continuing	5,412,400	5,412,400	5,412,400	414,500	414,500	414,500			
GRAND TOTAL FUNDS	184,499,500	184,499,500	184,499,500	189,735,000	188,024,500	189,004,400	204,814,700	203,099,100	202,532,500
II. EXPENDITURE CATEGORY									
Personnel Costs	119,155,200	119,155,200	119,155,200	125,546,600	125,135,800	125,838,500	132,654,500	132,831,100	132,856,100
Operating Expenses	64,085,600	64,085,600	64,085,600	62,851,800	61,691,100	61,913,700	71,241,100	69,414,800	68,877,800
Capital Outlay	1,258,700	1,258,700	1,258,700	1,336,600	1,197,600	1,252,200	919,100	853,200	798,600
TOTAL EXPENDITURES	184,499,500	184,499,500	184,499,500	189,735,000	188,024,500	189,004,400	204,814,700	203,099,100	202,532,500
III. BASE LEVEL BUDGET BY FUND SOURCE									
General Fund	168,927,200	168,927,200	168,927,200	175,947,000	175,947,000	175,947,000	189,172,800	189,172,800	189,172,800
Restricted Funds	7,771,000	7,771,000	7,771,000	8,031,200	8,031,200	8,031,200	8,207,300	8,207,300	8,207,300
Federal Funds	2,388,900	2,388,900	2,388,900	2,083,300	2,083,300	2,083,300	1,734,700	1,734,700	1,734,700
Regular Total Funds	179,087,100	179,087,100	179,087,100	186,061,500	186,061,500	186,061,500	199,114,800	199,114,800	199,114,800
General Fund Continuing	5,412,400	5,412,400	5,412,400	414,500	414,500	414,500			
TOTAL BASE LEVEL	184,499,500	184,499,500	184,499,500	186,476,000	186,476,000	186,476,000	199,114,800	199,114,800	199,114,800
IV. ADDITIONAL BUDGET RECAP BY FUND SOURCE									
General Fund				3,259,000	1,548,500	2,528,400	5,699,900	3,984,300	3,417,700
TOTAL ADDITIONAL				3,259,000	1,548,500	2,528,400	5,699,900	3,984,300	3,417,700

**CONFERENCE BUDGET REPORT ANALYSIS
2000 GENERAL ASSEMBLY -- OPERATING BUDGET SUMMARY**

Governmental Branch: Judicial Branch
Cabinet/Function: Court of Justice

Agency:
Appropriation Unit:

	FY 1999-2000			FY 2000-2001			FY 2001-2002		
	House	Senate	Conference	House	Senate	Conference	House	Senate	Conference
I. APPROPRIATIONS SUMMARY BY FUND SOURCE									
General Fund	162,509,200	162,509,200	162,509,200	174,589,300	173,298,800	174,278,700	190,239,300	188,523,700	188,377,100
Restricted Funds	7,771,000	7,771,000	7,771,000	8,031,200	8,031,200	8,031,200	8,207,300	8,207,300	8,207,300
Federal Funds	2,388,900	2,388,900	2,388,900	2,083,300	2,083,300	2,083,300	1,734,700	1,734,700	1,734,700
Regular Total Funds	172,669,100	172,669,100	172,669,100	184,703,800	183,413,300	184,393,200	200,181,300	198,465,700	198,319,100
General Fund Continuing	5,412,400	5,412,400	5,412,400	414,500	414,500	414,500			
GRAND TOTAL FUNDS	178,081,500	178,081,500	178,081,500	185,118,300	183,827,800	184,807,700	200,181,300	198,465,700	198,319,100
II. EXPENDITURE CATEGORY									
Personnel Costs	118,856,200	118,856,200	118,856,200	125,227,900	124,817,100	125,519,800	132,319,100	132,495,700	132,520,700
Operating Expenses	57,966,600	57,966,600	57,966,600	58,553,800	57,813,100	58,035,700	66,943,100	65,116,800	64,999,800
Capital Outlay	1,258,700	1,258,700	1,258,700	1,336,600	1,197,600	1,252,200	919,100	853,200	798,600
TOTAL EXPENDITURES	178,081,500	178,081,500	178,081,500	185,118,300	183,827,800	184,807,700	200,181,300	198,465,700	198,319,100
III. BASE LEVEL BUDGET BY FUND SOURCE									
General Fund	162,509,200	162,509,200	162,509,200	171,750,300	171,750,300	171,750,300	184,959,400	184,959,400	184,959,400
Restricted Funds	7,771,000	7,771,000	7,771,000	8,031,200	8,031,200	8,031,200	8,207,300	8,207,300	8,207,300
Federal Funds	2,388,900	2,388,900	2,388,900	2,083,300	2,083,300	2,083,300	1,734,700	1,734,700	1,734,700
Regular Total Funds	172,669,100	172,669,100	172,669,100	181,864,800	181,864,800	181,864,800	194,901,400	194,901,400	194,901,400
General Fund Continuing	5,412,400	5,412,400	5,412,400	414,500	414,500	414,500			
TOTAL BASE LEVEL	178,081,500	178,081,500	178,081,500	182,279,300	182,279,300	182,279,300	194,901,400	194,901,400	194,901,400
IV. ADDITIONAL BUDGET RECAP BY FUND SOURCE									
General Fund				2,839,000	1,548,500	2,528,400	5,279,900	3,564,300	3,417,700
TOTAL ADDITIONAL				2,839,000	1,548,500	2,528,400	5,279,900	3,564,300	3,417,700

**CONFERENCE BUDGET REPORT ANALYSIS
2000 GENERAL ASSEMBLY -- OPERATING BUDGET SUMMARY**

Governmental Branch: Judicial Branch
Cabinet/Function: Court of Justice

Agency: Court Operations and Administration
Appropriation Unit: Court Operations & Administration

	FY 1999-2000			FY 2000-2001			FY 2001-2002		
	House	Senate	Conference	House	Senate	Conference	House	Senate	Conference
I. APPROPRIATIONS SUMMARY BY FUND SOURCE									
General Fund	128,152,600	128,152,600	128,152,600	135,498,200	134,789,600	135,769,500	142,958,800	143,278,500	143,131,900
Restricted Funds	7,771,000	7,771,000	7,771,000	8,031,200	8,031,200	8,031,200	8,207,300	8,207,300	8,207,300
Federal Funds	2,388,900	2,388,900	2,388,900	2,083,300	2,083,300	2,083,300	1,734,700	1,734,700	1,734,700
Regular Total Funds	138,312,500	138,312,500	138,312,500	145,612,700	144,904,100	145,884,000	152,900,800	153,220,500	153,073,900
General Fund Continuing									
GRAND TOTAL FUNDS	138,312,500	138,312,500	138,312,500	145,612,700	144,904,100	145,884,000	152,900,800	153,220,500	153,073,900
II. EXPENDITURE CATEGORY									
Personnel Costs	117,728,800	117,728,800	117,728,800	124,478,300	124,067,500	124,770,200	131,533,700	131,710,300	131,735,300
Operating Expenses	19,950,500	19,950,500	19,950,500	20,526,500	20,283,300	20,505,900	20,797,200	20,885,700	20,768,700
Capital Outlay	633,200	633,200	633,200	607,900	553,300	607,900	569,900	624,500	569,900
TOTAL EXPENDITURES	138,312,500	138,312,500	138,312,500	145,612,700	144,904,100	145,884,000	152,900,800	153,220,500	153,073,900
III. BASE LEVEL BUDGET BY FUND SOURCE									
General Fund	128,152,600	128,152,600	128,152,600	133,241,100	133,241,100	133,241,100	139,714,200	139,714,200	139,714,200
Restricted Funds	7,771,000	7,771,000	7,771,000	8,031,200	8,031,200	8,031,200	8,207,300	8,207,300	8,207,300
Federal Funds	2,388,900	2,388,900	2,388,900	2,083,300	2,083,300	2,083,300	1,734,700	1,734,700	1,734,700
Regular Total Funds	138,312,500	138,312,500	138,312,500	143,355,600	143,355,600	143,355,600	149,656,200	149,656,200	149,656,200
General Fund Continuing									
TOTAL BASE LEVEL	138,312,500	138,312,500	138,312,500	143,355,600	143,355,600	143,355,600	149,656,200	149,656,200	149,656,200
IV. ADDITIONAL BUDGET RECAP BY FUND SOURCE									
General Fund				2,257,100	1,548,500	2,528,400	3,244,600	3,564,300	3,417,700
TOTAL ADDITIONAL				2,257,100	1,548,500	2,528,400	3,244,600	3,564,300	3,417,700
V. ADDITIONAL BUDGET ITEMS									
1 EXPAN	Salary Improvement - Non Elected Personnel								
(025SALX01)	Provide funds to support additional salary increases for Court of Justice employees.								
General Fund				837,700	837,700	837,700	1,837,900	1,837,900	1,837,900
Total				837,700	837,700	837,700	1,837,900	1,837,900	1,837,900
2 EXPAN	Circuit Clerks - Salary Equalization								
(025CKX01)	Provide funds to reduce the number of Circuit Clerk salary levels from 30 to 8.								
General Fund				387,200	387,200	387,200	407,500	407,500	407,500
Total				387,200	387,200	387,200	407,500	407,500	407,500

**CONFERENCE BUDGET REPORT ANALYSIS
2000 GENERAL ASSEMBLY -- OPERATING BUDGET SUMMARY**

Governmental Branch: Judicial Branch
Cabinet/Function: Court of Justice

Agency: Court Operations and Administration
Appropriation Unit: Court Operations & Administration

	FY 1999-2000			FY 2000-2001			FY 2001-2002		
	House	Senate	Conference	House	Senate	Conference	House	Senate	Conference
V. ADDITIONAL BUDGET ITEMS									
7 NEW	Circuit Court - Additional Judgeships								
(025CCX01)	Provide funds to support personnel and operating costs for additional Circuit Judgeships in the 21st, 12th, and 9th Judicial Circuits. SENATE: Provide funds to support personnel and operating costs for additional Circuit Judgeships in FY 2001-2002.								
General Fund Total				954,900		954,900	815,400	987,000	815,400
				954,900		954,900	815,400	987,000	815,400
16 EXPAN	District Court - Secretarial Support								
(025DCX01)	Provide funds to support conversion of 12 part-time secretarial positions to full-time positions.								
General Fund Total					145,300	145,300		153,600	153,600
					145,300	145,300		153,600	153,600
19 EXPAN	Circuit Court - Mediation Center - Personnel and Operating Costs								
(025CCX07)	Provide funds to support increased personnel and operating costs.								
General Fund Total				25,000		25,000	25,000		25,000
				25,000		25,000	25,000		25,000
20 NEW	District Court - Salary Adjustment - Trial Commissioners								
(025DCX02)	Provide funds to support increase of statutory maximum salary of Trial Commissioners from \$7,200 to \$10,000.								
General Fund Total					178,300	178,300		178,300	178,300
					178,300	178,300		178,300	178,300
21 EXPAN	Circuit Court - Additional Law Clerk - Pike County								
(025AGA01)	Provide funds to support personnel and operating costs for one PFT law clerk in Pike County.								
General Fund Total				52,300			47,000		
				52,300			47,000		
22 NEW	District Court - Additional Judgeship - Henderson County								
(025AGA02)	Provide funds to support personnel and operating costs for one additional District Judgeship in the 51st District of Henderson County.								
General Fund Total							111,800		
							111,800		
TOTAL ADDITIONAL				2,257,100	1,548,500	2,528,400	3,244,600	3,564,300	3,417,700

FB 2000-2002 BUDGET MODIFICATION REPORT

Court Operations and Administration

BRANCH BUDGET

The Branch Budget recommends funding for existing services and programs, including a five percent (5%) cost-of-living adjustment for all elected and non-elected employees, with the following exceptions (all items are from General Fund unless otherwise noted):

Additional support totaling \$1,390,500 in FY 2000-2001 and \$3,029,400 in FY 2001-2002 is provided for salary improvement for non-elected personnel as follows:

- a. Eight-Year Plan - Additional support totaling \$92,700 in FY 2000-2001 and \$189,600 in FY 2001-2002 to benefit 64 employees who were hired in 1992 and 74 employees hired in 1993. The increase is ten percent (10%) for deputies and secretaries earning \$18,000 or less a year and five percent (5%) for those earning over \$18,000;
- b. Three Percent Raise for Deputy Clerks - Additional support totaling \$1,117,100 in FY 2000-2001 and \$2,360,200 in FY 2001-2002 is provided for a three percent (3%) across-the-board raise in each year of the biennium for deputy clerks;
- c. Career Ladder - Additional support totaling \$180,700 in FY 2000-2001 and \$405,600 in FY 2001-2002 is provided for a career ladder that will recognize permanent full-time non-elected employees, excluding deputy clerks, with 5, 10, 15, 20, and 25 years of service with a \$100 per month (\$1,200 annual) increase.
- d. Raise Minimum of Grades 3 and 4 - Additional support totaling \$74,000 in FY 2001-2002 is provided to increase Grade 3 to \$1,309 per month and Grade 4 to \$1,411 per month.

Additional support totaling \$387,200 in FY 2000-2001 and \$407,500 in FY 2001-2002 is provided for Circuit Clerks' salary equalization to reduce the number of Circuit Clerk salary levels from 30 to 8 and equalize salaries based on county population.

Additional support totaling \$583,100 in FY 2000-2001 and \$950,300 in FY 2001-2002 is provided for 20 additional deputy clerks in FY 2000-2001 and 15 additional deputy clerks in FY 2001-2002 based on weighted caseload study.

Additional support totaling \$370,100 in FY 2000-2001 and \$343,000 in FY 2001-2002 is provided for 6 PFT field coordinators and 1 PFT secretary to manage the Drug Court operation.

Additional support totaling \$110,000 in FY 2000-2001 and \$113,300 in FY 2001-2002 is provided to replace Federal Funds for the Jefferson County Drug Court due to expiration of Crime Bill Grant on June 30, 2000.

Additional support totaling \$176,600 in FY 2000-2001 and \$164,500 in FY 2001-2002 is provided for 2 staff attorneys, 1 secretary, and 1 deputy clerk for the Court of Appeals central office to handle anticipated caseload increase due to Workers Compensation Board abolishment.

Additional support totaling \$954,900 in FY 2000-2001 and \$815,400 in FY 2001-2002 is provided for one additional Circuit Judgeship and necessary support staff in each of the following circuits: Bath, Menifee, Montgomery, and Rowan Counties (21st Circuit); Henry, Oldham, and Trimble Counties (12th Circuit); Hardin County (9th Circuit).

Additional support totaling \$408,500 in FY 2000-2001 and \$376,800 in FY 2001-2002 is provided for 10 additional PFT positions with the Administrative Office of the Courts for court services, guardian ad litem program, personnel and accounting offices.

Additional support totaling \$339,700 in FY 2000-2001 and \$313,300 in FY 2001-2002 is provided in the Pretrial Services Division for 6 additional PFT and 2 additional PPT Pretrial Officers, and 1 additional PFT Supervisor to alleviate staff shortages in high workload districts.

FB 2000-2002 BUDGET MODIFICATION REPORT

Court Operations and Administration

Additional support totaling \$252,700 in FY 2000-2001 and \$312,000 in FY 2001-2002 is provided in the Juvenile Services/Foster Care Review Board Program for 6 PFT positions and 4 PPT positions to relieve staff shortages in high caseload districts and improve diversion services.

Additional support totaling \$129,500 in FY 2001-2002 is provided for the Pretrial Services Records Section for increased operating costs related to criminal history record checks.

Additional support totaling \$192,300 in FY 2000-2001 and \$189,700 in FY 2001-2002 is provided for 4 additional PFT law clerk positions for the Supreme Court.

Additional support totaling \$279,200 in FY 2000-2001 and \$247,500 in FY 2001-2002 is provided for an additional PFT law clerk position in each of the following high caseload circuits without clerks: Bullitt County (55th); Anderson, Shelby, and Spencer Counties (53rd); Boyle and Mercer Counties (50th); Breathitt, Powell, and Wolfe Counties (39th); and Carroll, Grant, and Owen Counties (15th).

Additional support totaling \$220,100 in FY 2000-2001 and \$206,500 in FY 2001-2002 is provided for 4 additional PFT family court positions.

Additional support totaling \$382,300 in FY 2000-2001 and \$379,600 in FY 2001-2002 is provided for 3 additional PFT court security inspector positions and additional security equipment.

Additional support totaling \$145,300 in FY 2000-2001 and \$153,600 in FY 2001-2002 is provided to convert 12 part-time District Court secretaries to full-time positions.

Additional support totaling \$205,900 in FY 2000-2001 and \$215,700 in FY 2001-2002 is provided to establish 3 Drug and Alcohol and Testing Program pilot projects in Hardin, Madison, and Pike Counties to implement controlled substance or alcohol abuse testing mandated by the 1998 General Assembly in HB 455.

Additional support totaling \$152,900 in FY 2000-2001 and \$196,900 in FY 2001-2002 is provided to expand Teen Court by 3 sites each fiscal year of the biennium and for 2 PFT positions (1 county coordinator and 1 department assistant) and 5 PPT county coordinators. Currently, there are 29 teen court sites in the state.

Additional support totaling \$25,000 in each fiscal year of the biennium is provided for increased personnel and operating costs for the Mediation Center of Kentucky which restores funding level to 1994 enactment.

Additional support totaling \$178,300 in each fiscal year of the biennium is provided to increase the statutory maximum salary of Trial Commissioners from \$7,200 to \$10,000, contingent upon passage of enabling legislation, in counties with no resident district judge. In addition, Trial Commissioners in counties with a resident judge would receive an increase up to the maximum of \$7,200.

The Branch Budget Bill, Part I, Operating Budget, includes language provision that directs, notwithstanding KRS 23A.040 and KRS 23A.045, the Circuit Court judgeships in Floyd County (31st Circuit) and Christian County (3rd Circuit) created by the 1998 General Assembly are established as family court judgeships. General Fund amounts are included in fiscal year 2000-2001 and fiscal year 2001-2002 to provide for the continuation of these judgeships and related family court pilot projects.

The Branch Budget Bill, Part III, General Provisions, includes language provisions that direct:

FB 2000-2002 BUDGET MODIFICATION REPORT

Court Operations and Administration

1. The Director of the Administrative Office of the Courts with the approval of the Chief Justice may expend any of the funds appropriated for the court operation and administration in any lawful manner and for any legal purpose that the Chief Justice shall authorize or direct. No executive agency of state government shall have the power to restrict or limit the expenditure of funds appropriated to the judicial branch of government.
2. The Court of Justice shall not incur any obligation for any program against the General Fund appropriations contained in this Act unless that program may be reasonably determined to have been contemplated by the proposed judicial budget, as modified and enacted, and supported by the statutory budget memorandum and other pertinent records.
3. Appropriation items and sums in this Act conform to KRS 48.311. If any section, any subsection, or any provisions thereof shall be invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions.
4. Any appropriation item and sum in this Act and in an appropriation provision in another act of the 2000 General Assembly which constitutes a duplicate appropriation shall be governed by KRS 48.312.
5. KRS 48.313 shall control when a total or subtotal figure in this Act conflicts with the sum of the appropriations of which it consists.
6. Notwithstanding KRS 45.229, any unexpended balance remaining in the Court's Restricted Funds accounts or Federal Funds accounts at the close of the fiscal years ending June 30, 2000, and June 30, 2001, shall not lapse and shall continue into the next fiscal year.
7. Proposed revisions to Restricted Funds and Federal Funds appropriations in this Act shall be made and reported pursuant to KRS 48.630(10). The Director of the Administrative Office of the Courts shall notify on a timely basis the Legislative Research Commission of the most current estimates of anticipated receipts for the affected fiscal year and an accompanying statement which explains such variations from the anticipated amount.
8. The Chief Justice shall cause the Director of the Administrative Office of the Courts to prepare a final budget document reflecting the 2000-2002 biennial budget of the Court of Justice. A copy shall be provided to the Legislative Research Commission and an informational copy shall be furnished to the Finance and Administration Cabinet within sixty (60) days of the adjournment of the 2000 Regular Session of the General Assembly.

HOUSE REPORT

The House concurs with the Branch Budget recommendation with the following changes:

Additional General Fund support totaling \$837,700 in FY 2000-2001 and \$1,837,900 in FY 2001-2002 is provided for salary improvement for non-elected personnel as follows:

- a. Eight-Year Plan - Additional support totaling \$92,600 in FY 2000-2001 and \$189,600 in FY 2001-2002 to benefit 64 employees who were hired in 1992 and 74 employees hired in 1993. The increase is ten percent (10%) for deputies and secretaries earning \$18,000 or less a year and five percent (5%) for those earning over \$18,000;
- b. Two Percent Raise for Deputy Clerks - Additional support totaling \$745,100 in FY 2000-2001 and \$1,574,300 in FY 2001-2002 is provided for a two percent (2%) across-the-board raise in each year of the biennium for deputy clerks;
- c. Raise Minimum of Grades 3 and 4 - Additional support totaling \$74,000 in FY 2001-2002 is provided to increase Grade 3 to \$1,309 per month and Grade 4 to \$1,411 per month.

FB 2000-2002 BUDGET MODIFICATION REPORT

Court Operations and Administration

Additional General Fund support totaling \$954,900 in FY 2000-2001 and \$815,400 in FY 2001-2002 is provided for one additional Circuit Judgeship and necessary support staff in each of the following circuits: Bath, Menifee, Montgomery, and Rowan Counties (21st Circuit); Henry, Oldham, and Trimble Counties (12th Circuit); Hardin County (9th Circuit).

Additional General Fund support totaling \$25,000 in each fiscal year of the biennium is provided for increased personnel and operating costs for the Mediation Center of Kentucky which restores funding level to 1994 enactment.

Additional General Fund support totaling \$52,300 in FY 2000-2001 and \$47,000 in FY 2001-2002 is provided for one PFT law clerk in Pike County Circuit Court.

Additional General Fund support totaling \$111,800 in FY 2001-2002 is provided for one additional District Judgeship in the 51st District of Henderson County, effective January 1, 2002.

The House provides Part I, Operating Budget, language provision that directs: Included in the above General Fund appropriation is \$15,000 in each fiscal year to support the additional cost to reclassify the secretarial position of the 49th Judicial District from part-time to full-time.

SENATE REPORT

The Senate concurs with the House with the following changes:

Additional General Fund support totaling \$987,000 in FY 2001-2002 is provided for one additional Circuit Judgeship and necessary support staff in each of the following circuits: Bath, Menifee, Montgomery, and Rowan Counties (21st Circuit); Henry, Oldham, and Trimble Counties (12th Circuit); Hardin County (9th Circuit).

Additional General Fund support totaling \$145,300 in FY 2000-2001 and \$153,600 in FY 2001-2002 is provided to convert 12 part-time District Court secretaries to full-time positions.

Additional General Fund support totaling \$25,000 in each year of the biennium for the Mediation Center of Kentucky is not provided.

Additional General Fund support totaling \$178,300 in each fiscal year of the biennium is provided to increase the statutory maximum salary of Trial Commissioners from \$7,200 to \$10,000, contingent upon passage of enabling legislation, in counties with no resident district judge. In addition, Trial Commissioners in counties with a resident judge would receive an increase up to the maximum of \$7,200.

Additional General Fund support totaling \$52,300 in FY 2000-2001 and \$47,000 in FY 2001-2002 for the Pike County Law Clerk is not provided.

Additional General Fund support totaling \$111,800 in FY 2001-2002 for the Henderson County District Judgeship is not provided.

The Senate deletes, Part I, Operating Budget, language provision that directs, notwithstanding KRS 23A.040 and KRS 23A.045, the Circuit Court judgeships in Floyd County (31st Circuit) and Christian County (3rd Circuit) created by the 1998 General Assembly are established as family court judgeships. General Fund amounts are included in fiscal year 2000-2001 and fiscal year 2001-2002 to provide for the continuation of these judgeships and related family court pilot projects.

The Senate adds Part III, General Provisions, language provisions that direct:

FB 2000-2002 BUDGET MODIFICATION REPORT

Court Operations and Administration

The Chief Justice shall establish rules of procedure on matters relating to the design, financing, and construction of court facilities. The Administrative Office of the Courts shall oversee the design, financing, and construction of court facilities. Capital costs, for the purpose of computing the maximum annual use allowance, shall not exceed the project scope as authorized by the General Assembly in this judicial branch budget unless increased and approved through the procedures outlined below.

The Administrative Office of the Courts shall assess the need for court facilities construction or renovation throughout the Commonwealth, develop a project program for the construction or renovation of court facilities that the Administrative Office of the Courts determines to be most in need of construction or renovation. Based on a needs assessment, the Administrative Office of the Courts shall develop a prioritized list of proposed court facilities projects and submit the list to the Chief Justice for approval and to the Court Facilities Standards Committee for informational purposes only. Upon approval by the Chief Justice, the Administrative Office of the Courts shall submit the prioritized list to the Capital Planning Advisory Board, by April 15 of 2001, in accordance with KRS 7A.120.

The Administrative Office of the Courts shall develop and maintain uniform contracts to be used by local units of government when procuring architectural, construction, financial, or other services relating to court facilities projects authorized by the General Assembly. Each county with a court project authorized by the 2000 General Assembly shall enter into a written memorandum of agreement with the Administrative Office of the Courts. Before the Administrative Office of the Courts submits its next budget request for court projects under KRS 48.050, each local unit of government that is expected to participate in financing a requested court project shall enter into a written memorandum of agreement with the Administrative Office of the Courts. The agreements shall be developed by the Administrative Office of the Courts, and shall specify the rights, duties, and obligations of the local unit of government and the Administrative Office of the Courts relating to the project, and shall be contingent upon the project's authorization by the General Assembly.

No contract, and no modification to any contract, relating to the design, financing, or construction of court facilities projects authorized by the General Assembly shall be executed unless first reviewed and approved by the Administrative Office of the Courts. All court facilities projects, beginning with those authorized by the 2000 General Assembly, shall comply with the Kentucky standards for court facilities to be established by the Chief Justice and the Administrative Office of the Courts.

The use allowance in the judicial branch budget recommendation submitted under KRS 48.100 shall be determined as if bonds will be issued for a term of twenty (20) years at the prevailing market rate, computed from the estimated date that the Court of Justice will occupy the facility. If the market rate for the bonds assumed in the budget recommendation, including that in the recommendation for FY 2001-2002, has increased when the bonds are to be sold, the director of the Administrative Office of the Courts may approve an extension in the bond term, up to a total of twenty-five (25) years, but only as necessary to keep the annual use allowance within the budgeted amount. All bonds issued by any local unit of government for court facilities projects shall be limited to the term approved by the Administrative Office of the Courts.

Before approving any bond issue for a term exceeding twenty-five (25) years, the director of the Administrative Office of the Courts shall submit a proposal for the extended term to the Interim Joint Committee on Appropriations and Revenue and the Capital Projects and Bond Oversight Committee. The proposal shall include a statement of the necessity for the extended bond term and the impact of the extended term on the project's budgeted scope and authorized annual use allowance. Within thirty (30) days after receiving a proposal to extend a bond term beyond twenty-five (25) years, the Interim Joint Committee on Appropriations and Revenue and the Capital Projects and Bond Oversight Committee shall either approve or disapprove the proposal and shall then promptly notify the director of the Administrative Office of the Courts. If either committee disapproves the proposal, the director of the Administrative Office of the Courts shall take one (1) of the following actions and shall notify the committee of its decision in writing within thirty (30) days:

- (a) Disapprove and take no further action on the proposal;
- (b) Revise the proposal to comply with the committee's objections; or
- (c) Determine to approve and proceed with the proposal over the committee's objection.

FB 2000-2002 BUDGET MODIFICATION REPORT

Court Operations and Administration

The Court of Justice may agree to increase the budgeted scope of a court project or project pool authorized by the General Assembly, and may draw from the local facilities use allowance contingency fund to cover any resulting increase in the budgeted annual use allowance, if and only if:

- (a) The appropriate unit of government first submits a proposal for the increase to the Court Facilities Standards Committee, and the Court Facilities Standards Committee approves the increase;
- (b) The annual use allowance for the project or project pool, adjusted for the proposed increase in scope, would not exceed the annual use allowance specified for that project or project pool in the multiyear use allowance schedule set out in the judicial branch budget bill or memorandum by more than fifteen percent (15%);

Before the Court of Justice gives final approval to an increase in the budgeted scope of an authorized project or project pool listed in a judicial branch budget bill which would result in an increased use allowance, the director of the Administrative Office of the Courts shall submit a proposal for the increase to the Capital Projects and Bond Oversight Committee at least fourteen (14) days prior to the committee meeting. Within thirty (30) days after receiving a proposal to increase the use allowance, the Capital Projects and Bond Oversight Committee shall either approve or disapprove the proposal and shall then promptly notify the director of the Administrative office of the Courts of its decision. If the Capital Projects and Bond Oversight Committee disapproves the proposal, the director of the Administrative Office of the Courts shall take one (1) of the following actions and shall notify the committee of its decision in writing within thirty (30) days of receiving the committee's notice of disapproval:

- (a) Revise the proposal to comply with the committee's objections;
- (b) Cancel and take no further action on the proposal; or
- (c) Determine to implement the proposal over the committee's objection.

The Administrative Office of the Courts shall report to the Capital Projects and Bond Oversight Committee within thirty (30) days of any action taken by the Court of Justice to approve a scope increase of a project within a pool which would increase the use allowance for that project. The Capital Projects and Bond Oversight Committee shall maintain records of proposals, findings, decisions, and actions taken under this section. When appropriate, the committee shall provide this information to other legislative committees or to the General Assembly. The Administrative Office of the Courts shall provide to the Capital Projects and Bond Oversight Committee, at the committee's January, April, July, and October regular meetings, a status report on the progress of all incomplete court facilities projects.

On August 1 of each year, the Administrative Office of the Courts shall prepare a financial report on the court facility use allowance contingency fund for the fiscal year ending on June 30 of that year. The report shall include, with explanations, allotments, expenditures, encumbrances, and the available balance.

Upon request of the Administrative Office of the Courts, the Department for Local Government shall evaluate the financial condition of any local unit of government selected to participate in a court facilities construction or renovation project, and shall certify to the Administrative Office of the Courts the local unit of government's ability to participate in the project.

CONFERENCE REPORT

The Conference concurs with the Senate with the following changes:

Additional General Fund support totaling \$954,900 in FY 2000-2001 and \$815,400 in FY 2001-2002 is provided for one additional Circuit Judgeship and necessary support staff in each of the following circuits: Bath, Menifee, Montgomery, and Rowan Counties (21st Circuit); Henry, Oldham, and Trimble Counties (12th Circuit); Hardin County (9th Circuit).

Additional General Fund support totaling \$25,000 in each year of the biennium is provided for the Mediation Center of Kentucky.

FB 2000-2002 BUDGET MODIFICATION REPORT

Court Operations and Administration

The Conference adds Part I, Operating Budget, language provision that directs, notwithstanding KRS 23A.040 and KRS 23A.045, the Circuit Court judgeships in Floyd County (31st Circuit) and Christian County (3rd Circuit) created by the 1998 General Assembly are established as family court judgeships. General Fund amounts are included in fiscal year 2000-2001 and fiscal year 2001-2002 to provide for the continuation of these judgeships and related family court pilot projects.

The Conference adds Part I, Operating Budget, language provision that directs, notwithstanding KRS 24A.100, included in the above General Fund appropriation is \$178,300 in each fiscal year to increase the statutory maximum salary of Trial Commissioners.

The Conference adds Part III, General Provisions, language provision relating to Additional Fees and Costs as follows:

10. a. A fiscal court, by ordinance, may assess additional fees and costs, for the purpose of paying expenses for courthouses, bonds related to them, and administration thereof in Circuit Court and District Court:

- (1) In civil cases, a fee of up to twenty-five dollars (\$25) may be added to filing fees.
- (2) In criminal cases, a cost of up to twenty-five dollars (\$25) may be added to the court costs that the defendant is required to pay.
- (3) In civil cases that are appealed from Circuit Court to the Court of Appeals, a fee of up to twenty-five dollars (\$25) may be added to the filing fees.
- (4) In all traffic offenses, a fee of up to ten dollars (\$10) may be added to the court cost for each traffic offense.
- (5) In probate cases, a filing fee of up to ten dollars (\$10) may be added to each filing fee.
- (6) In misdemeanor cases, a cost of up to twenty dollars (\$20) may be added to the court costs.
- (7) In small claims, a fee of up to ten dollars (\$10) may be added to all filing fees.
- (8) In civil cases, a fee of up to ten dollars (\$10) may be added to all filing fees.

b. A fiscal court, by ordinance, may assess additional fees on subpoena and civil summons service by the local sheriff, for the purpose of paying expenses for courthouses, bonds related to them and administration thereof. The fees may be added as follows:

- (1) In addition to the fees normally charged for the service of a subpoena, the person requesting service may be charged a fee of up to ten dollars (\$10).
- (2) In addition to the fees normally charged for the service of a civil summons, the person requesting service may be charged a fee of up to ten dollars (\$10).

The Conference adds Part III, General Provisions, language provision relating to Family Courts as follows:

11. Funding for the Commonwealth's ten family courts has been granted with the intention that the Family Court Pilot Project be continued during fiscal year 2000-2001 and fiscal year 2001-2002. Continuation of the Family Court Pilot Project is in recognition that nine such family courts, located in geographically diverse locations across Kentucky, have been in operation for less than two years and additional time and experience are required to properly assess the success of the Family Court Project.

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**CONFERENCE BUDGET REPORT ANALYSIS
2000 GENERAL ASSEMBLY -- OPERATING BUDGET SUMMARY**

Governmental Branch: Judicial Branch
Cabinet/Function: Court of Justice

Agency: Local Facilities
Appropriation Unit: Local Facilities Fund

	FY 1999-2000			FY 2000-2001			FY 2001-2002		
	House	Senate	Conference	House	Senate	Conference	House	Senate	Conference
I. APPROPRIATIONS SUMMARY BY FUND SOURCE									
General Fund	32,934,100	32,934,100	32,934,100	39,091,100	38,509,200	38,509,200	47,280,500	45,245,200	45,245,200
Regular Total Funds	32,934,100	32,934,100	32,934,100	39,091,100	38,509,200	38,509,200	47,280,500	45,245,200	45,245,200
General Fund Continuing	5,370,900	5,370,900	5,370,900	414,500	414,500	414,500			
GRAND TOTAL FUNDS	38,305,000	38,305,000	38,305,000	39,505,600	38,923,700	38,923,700	47,280,500	45,245,200	45,245,200
II. EXPENDITURE CATEGORY									
Personnel Costs	1,127,400	1,127,400	1,127,400	749,600	749,600	749,600	785,400	785,400	785,400
Operating Expenses	36,552,100	36,552,100	36,552,100	38,027,300	37,529,800	37,529,800	46,145,900	44,231,100	44,231,100
Capital Outlay	625,500	625,500	625,500	728,700	644,300	644,300	349,200	228,700	228,700
TOTAL EXPENDITURES	38,305,000	38,305,000	38,305,000	39,505,600	38,923,700	38,923,700	47,280,500	45,245,200	45,245,200
III. BASE LEVEL BUDGET BY FUND SOURCE									
General Fund	32,934,100	32,934,100	32,934,100	38,509,200	38,509,200	38,509,200	45,245,200	45,245,200	45,245,200
Regular Total Funds	32,934,100	32,934,100	32,934,100	38,509,200	38,509,200	38,509,200	45,245,200	45,245,200	45,245,200
General Fund Continuing	5,370,900	5,370,900	5,370,900	414,500	414,500	414,500			
TOTAL BASE LEVEL	38,305,000	38,305,000	38,305,000	38,923,700	38,923,700	38,923,700	45,245,200	45,245,200	45,245,200
IV. ADDITIONAL BUDGET RECAP BY FUND SOURCE									
General Fund				581,900			2,035,300		
TOTAL ADDITIONAL				581,900			2,035,300		
V. ADDITIONAL BUDGET ITEMS									
3 NEW	Local Facilities - Construction/Renovation of Court Facilities								
(025LFFX03)	Provide funds to support Use Allowance Payments for 3 Court Facility Projects with a total project scope of \$21,694,300.								
General Fund				581,900			2,035,300		
Total				581,900			2,035,300		
TOTAL ADDITIONAL				581,900			2,035,300		

FB 2000-2002 BUDGET MODIFICATION REPORT

Local Facilities Fund

BRANCH BUDGET

The Branch Budget recommends funding for existing services and programs in FB 2000-2002 to compensate local units of government for providing court space and for costs incurred in the development of local court facilities as defined in KRS Chapter 26A, and to perform all other acts required or authorized by KRS Chapter 26A. Funding for the following projects, authorized by the 1998 General Assembly, are included in the Branch Base Level Budget: Henderson, Bell, Christian, Marshall, Harrison, Boone, Lyon, McCreary, Harlan, Lewis, McLean, Allen, Bourbon, Casey, Elliott, Hickman, and Menifee Counties. The funding level for these projects is based on anticipated occupancy date, and totals \$5,300,000 in FY 2000-2001 and \$11,200,000 in FY 2001-2002.

The Branch Budget Bill, Part I, Operating Budget, includes language provision that directs, notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 1999-2000 shall not lapse and shall continue into fiscal year 2000-2001, and any unexpended balance at the close of fiscal year 2000-2001 shall not lapse and shall be continued into fiscal year 2001-2002.

Additional General Fund support totaling \$2,402,900 is provided in FY 2001-2002 for increased use allowance costs for the following projects which were authorized by the 1998 General Assembly: Boone - \$666,200 additional use allowance; Bourbon - \$192,000 additional use allowance; Christian - \$662,700 additional use allowance; Harlan - \$405,600 additional use allowance; Harrison - \$246,000 additional use allowance; and \$230,400 additional operating expense.

Additional General Fund support totaling \$95,900 in FY 2000-2001 and \$96,500 in FY 2001-2002 is provided for one PFT Facilities Officer position and 1 PFT Financial Analyst position.

Additional General Fund support totaling \$4,780,100 in FY 2000-2001 and \$10,693,000 in FY 2001-2002 is provided for 15 new facilities to reimburse local governments for the court's pro rata share of construction and/or renovation of court facilities (use allowance payments) The funds recommended are based on occupancy date and include amounts required for use allowance, operating expenses, and nonrecurring furniture and equipment. The schedule below identifies each recommended project:

<u>Project/County</u>	<u>Project Scope</u>	<u>Completion Date</u>	<u>Net Ct. Sq. Ft.</u>	<u>Court Ratio</u>	<u>Nonrecurring Furniture & Equipment</u>	<u>FY 2000-2001 Cost</u>	<u>FY 2001-2002 Cost</u>	<u>Annual 8% Use Allowance Cost Includes Operating Exp.</u>
Casey	6,837,200	April 2001	20,000	100%	390,500	552,300	647,400	647,400
Magoffin	7,606,200	July 2001	21,000	100%			707,000	707,000
Knott	6,903,200	April 2001	20,000	100%	448,300	600,100	607,400	607,400
Bullitt	14,336,600	April 2002	34,000	100%	653,500		961,700	1,232,700
Wayne	7,399,300	April 2001	21,500	100%	426,900	600,400	694,300	694,300
Johnson	7,461,200	April 2001	21,700	100%	491,100	643,200	608,400	608,400
Perry	8,490,200	January 2002	21,000	100%	549,200		913,800	729,200
Muhlenberg	6,958,500	April 2001	20,000	100%	431,700	581,900	600,700	600,700
Clay	7,075,800	April 2001	21,000	100%	417,100	580,000	651,700	651,700
Simpson	7,263,700	January 2002	20,000	100%	435,000		762,000	654,100
Breathitt	6,735,400	January 2002	21,000	100%	437,700		750,800	626,100
Metcalfe	5,439,300	April 2001	15,000	100%	362,200	486,900	498,800	498,800
Carter	7,472,100	January 2002	20,000	100%	333,700		672,600	677,800
Cumberland	5,560,200	July 2001	20,000	100%			519,200	519,200
Nelson	12,553,800	April 2002	35,000	100%	810,300		1,097,200	1,147,400
Furniture and Equipment*					735,300	735,300		
Total	\$118,092,700				\$6,922,200	\$4,780,100	\$10,693,000	\$10,602,200

* Furniture and equipment costs for projects that will be completed on July 1, 2001.

FB 2000-2002 BUDGET MODIFICATION REPORT

Local Facilities Fund

The above projects are identified in the Judicial Branch Budget Bill, Part II, Capital Projects Budget by capital project and project scope. The Branch Capital Budget recommends authorization to expand the project scope on the following projects: Boone - \$8,328,100; Bourbon - \$2,400,000; Christian - \$8,284,200; Harlan - \$5,070,400; and Harrison - \$3,079,700. The Branch Budget Recommendation provides for a multiyear schedule for the use allowance payments for each project.

The Branch Budget Bill, Part II, Capital Projects Budget, includes language provisions that direct:

For any facility project occupied sooner than anticipated in the multiyear schedule, the use allowance payments shall be approved from the Local Facilities Use Allowance Contingency Fund. If funds are not available in the Local Facilities Use Allowance Contingency Fund, the use allowance payments shall be deemed a necessary governmental expense. (General Fund Surplus Account, KRS 48.700)

Any court facility project authorized by the 2000 General Assembly shall be subject to standards and guidelines adopted by the Chief Justice. A written agreement, as specified by the Administrative Office of the Courts shall be executed by the county and the Administrative Office of the Courts before any action on any authorized project shall commence. The written agreement shall specify the requirements of the county and the Administrative Office of the Courts relating to the project. Construction of all court projects shall be in compliance with the standards as set by the National Center for State Courts.

The Branch Budget Bill, Part II, Capital Projects Budget, authorizes the lease of real property in Franklin and Jefferson Counties with a cost that exceeds \$200,000.

HOUSE REPORT

The House concurs with the Branch Budget recommendation with the following changes:

Additional General Fund support totaling \$581,900 in FY 2000-2001 and \$2,035,300 in FY 2001-2002 is provided for 3 new facilities (Muhlenberg County Courthouse, Simpson County Courthouse, and Carter County Courthouse) to reimburse local governments for the court's pro rata share of construction and/or renovation of court facilities (use allowance payments). The funds recommended are based on occupancy date and include amounts required for use allowance, operating expenses, and nonrecurring furniture and equipment. The schedule below identifies each project:

<u>Project/County</u>	<u>Project Scope</u>	<u>Completion Date</u>	<u>Net Ct. Sq. Ft.</u>	<u>Court Ratio</u>	<u>Nonrecurring Furniture & Equipment</u>	<u>FY 2000-2001 Cost</u>	<u>FY 2001-2002 Cost</u>	<u>Annual 8% Use Allowance Cost Includes Operating Exp.</u>
Muhlenberg	6,958,500	April 2001	20,000	100%	431,700	581,900	600,700	600,700
Simpson	7,263,700	January 2002	20,000	100%	435,000		762,000	654,100
Carter	7,472,100	January 2002	20,000	100%	333,700		672,600	677,800
Total	\$21,694,300				\$1,200,400	\$581,900	\$2,035,300	\$1,932,600
Casey*	6,837,200	April 2001	20,000	100%	390,500	552,300	647,400	647,400

*The Casey County Courthouse project is financed in the State/Executive Branch Budget Bill, House Bill 502, Part II, Capital Projects Budget.

The House includes Part I, Operating Budget language provision that directs, notwithstanding KRS 45.229, General Fund support totaling \$414,500 in FY 1999-2000 from the Use Allowance Contingency Fund shall not be expended, but be continued into FY 2000-2001 and appropriated to the Local Facilities Fund budget unit.

FB 2000-2002 BUDGET MODIFICATION REPORT

Local Facilities Fund

The House includes Part I, Operating Budget language provision that directs: The Christian County Courthouse project shall not be expanded in project scope and shall not receive any funds in excess of \$764,900 annual use allowance as authorized by the 1998 General Assembly.

SENATE REPORT

The Senate concurs with the House with the following changes:

Additional General Fund support totaling \$581,900 in FY 2000-2001 and \$2,035,300 in FY 2001-2002 for 3 new facilities (Muhlenberg County Courthouse, Simpson County Courthouse, and Carter County Courthouse) to reimburse local governments for the court's pro rata share of construction and/or renovation of court facilities (use allowance payments) is not provided.

Financing for the Casey County Courthouse is not provided.

The Senate deletes Part II, Capital Projects Budget, language provision relating to court facilities standards and guidelines and adds Part III, General Provisions, language provisions that direct:

The Chief Justice shall establish rules of procedure on matters relating to the design, financing, and construction of court facilities. The Administrative Office of the Courts shall oversee the design, financing, and construction of court facilities. Capital costs, for the purpose of computing the maximum annual use allowance, shall not exceed the project scope as authorized by the General Assembly in this judicial branch budget unless increased and approved through the procedures outlined below.

The Administrative Office of the Courts shall assess the need for court facilities construction or renovation throughout the Commonwealth, develop a project program for the construction or renovation of court facilities that the Administrative Office of the Courts determines to be most in need of construction or renovation. Based on a needs assessment, the Administrative Office of the Courts shall develop a prioritized list of proposed court facilities projects and submit the list to the Chief Justice for approval and to the Court Facilities Standards Committee for informational purposes only. Upon approval by the Chief Justice, the Administrative Office of the Courts shall submit the prioritized list to the Capital Planning Advisory Board, by April 15 of 2001, in accordance with KRS 7A.120.

The Administrative Office of the Courts shall develop and maintain uniform contracts to be used by local units of government when procuring architectural, construction, financial, or other services relating to court facilities projects authorized by the General Assembly. Each county with a court project authorized by the 2000 General Assembly shall enter into a written memorandum of agreement with the Administrative Office of the Courts. Before the Administrative Office of the Courts submits its next budget request for court projects under KRS 48.050, each local unit of government that is expected to participate in financing a requested court project shall enter into a written memorandum of agreement with the Administrative Office of the Courts. The agreements shall be developed by the Administrative Office of the Courts, and shall specify the rights, duties, and obligations of the local unit of government and the Administrative Office of the Courts relating to the project, and shall be contingent upon the project's authorization by the General Assembly.

No contract, and no modification to any contract, relating to the design, financing, or construction of court facilities projects authorized by the General Assembly shall be executed unless first reviewed and approved by the Administrative Office of the Courts. All court facilities projects, beginning with those authorized by the 2000 General Assembly, shall comply with the Kentucky standards for court facilities to be established by the Chief Justice and the Administrative Office of the Courts.

The use allowance in the judicial branch budget recommendation submitted under KRS 48.100 shall be determined as if bonds will be issued for a term of twenty (20) years at the prevailing market rate, computed from the estimated date that the Court of Justice will occupy the facility. If the market rate for the bonds assumed in the budget recommendation, including that in the recommendation for FY 2001-2002, has increased when the bonds are to be sold, the director of the Administrative Office of the Courts may approve an extension in the bond term, up to a total of twenty-five (25) years, but only as necessary to keep the annual use allowance within the budgeted amount. All bonds issued by any local unit of government for court facilities projects shall be limited to the term approved by the Administrative Office of the Courts.

FB 2000-2002 BUDGET MODIFICATION REPORT

Local Facilities Fund

Before approving any bond issue for a term exceeding twenty-five (25) years, the director of the Administrative Office of the Courts shall submit a proposal for the extended term to the Interim Joint Committee on Appropriations and Revenue and the Capital Projects and Bond Oversight Committee. The proposal shall include a statement of the necessity for the extended bond term and the impact of the extended term on the project's budgeted scope and authorized annual use allowance. Within thirty (30) days after receiving a proposal to extend a bond term beyond twenty-five (25) years, the Interim Joint Committee on Appropriations and Revenue and the Capital Projects and Bond Oversight Committee shall either approve or disapprove the proposal and shall then promptly notify the director of the Administrative Office of the Courts. If either committee disapproves the proposal, the director of the Administrative Office of the Courts shall take one (1) of the following actions and shall notify the committee of its decision in writing within thirty (30) days:

- (a) Disapprove and take no further action on the proposal;
- (b) Revise the proposal to comply with the committee's objections; or
- (c) Determine to approve and proceed with the proposal over the committee's objection.

The Court of Justice may agree to increase the budgeted scope of a court project or project pool authorized by the General Assembly, and may draw from the local facilities use allowance contingency fund to cover any resulting increase in the budgeted annual use allowance, if and only if:

- (a) The appropriate unit of government first submits a proposal for the increase to the Court Facilities Standards Committee, and the Court Facilities Standards Committee approves the increase;
- (b) The annual use allowance for the project or project pool, adjusted for the proposed increase in scope, would not exceed the annual use allowance specified for that project or project pool in the multiyear use allowance schedule set out in the judicial branch budget bill or memorandum by more than fifteen percent (15%);

Before the Court of Justice gives final approval to an increase in the budgeted scope of an authorized project or project pool listed in a judicial branch budget bill which would result in an increased use allowance, the director of the Administrative Office of the Courts shall submit a proposal for the increase to the Capital Projects and Bond Oversight Committee at least fourteen (14) days prior to the committee meeting. Within thirty (30) days after receiving a proposal to increase the use allowance, the Capital Projects and Bond Oversight Committee shall either approve or disapprove the proposal and shall then promptly notify the director of the Administrative office of the Courts of its decision. If the Capital Projects and Bond Oversight Committee disapproves the proposal, the director of the Administrative Office of the Courts shall take one (1) of the following actions and shall notify the committee of its decision in writing within thirty (30) days of receiving the committee's notice of disapproval:

- (a) Revise the proposal to comply with the committee's objections;
- (b) Cancel and take no further action on the proposal; or
- (c) Determine to implement the proposal over the committee's objection.

The Administrative Office of the Courts shall report to the Capital Projects and Bond Oversight Committee within thirty (30) days of any action taken by the Court of Justice to approve a scope increase of a project within a pool which would increase the use allowance for that project. The Capital Projects and Bond Oversight Committee shall maintain records of proposals, findings, decisions, and actions taken under this section. When appropriate, the committee shall provide this information to other legislative committees or to the General Assembly. The Administrative Office of the Courts shall provide to the Capital Projects and Bond Oversight Committee, at the committee's January, April, July, and October regular meetings, a status report on the progress of all incomplete court facilities projects.

On August 1 of each year, the Administrative Office of the Courts shall prepare a financial report on the court facility use allowance contingency fund for the fiscal year ending on June 30 of that year. The report shall include, with explanations, allotments, expenditures, encumbrances, and the available balance.

Upon request of the Administrative Office of the Courts, the Department for Local Government shall evaluate the financial condition of any local unit of government selected to participate in a court facilities construction or renovation project, and shall certify to the Administrative Office of the Courts the local unit of government's ability to participate in the project.

CONFERENCE REPORT

FB 2000-2002 BUDGET MODIFICATION REPORT

Local Facilities Fund

The Conference concurs with the Senate with the following changes:

The Conference authorizes additional project scope for the following court facility projects authorized by the 1998 General Assembly: Boone - \$8,328,100; Bourbon - \$2,400,000; Christian - \$8,284,200; Harlan - \$5,070,400; Harrison - \$3,079,700.

The Conference includes Part I, Operating Budget, language provision that directs: The use allowance for the Fayette County Courthouse is contingent upon Short Street in Lexington, Kentucky remaining open to vehicular traffic.

The Conference includes Part II, Capital Projects Budget language provision that directs: For any court facility project which is occupied and use allowance funding is insufficient, the use allowance payments shall be approved from the Local Facilities Use Allowance Contingency Fund. If funds are not available in the Local Facilities Use Allowance Contingency Fund, the use allowance payments shall be deemed a necessary governmental expense. (General Fund Surplus Account, KRS 48.700)

The Conference includes Part II, Capital Projects Budget language provision that directs: New courthouse projects are authorized in Casey, Magoffin, Knott, Bullitt, Wayne, Johnson, Perry, Muhlenberg, Clay, Simpson, Breathitt, Metcalfe, Carter, Cumberland, and Nelson Counties. General Fund support to provide use allowance payments and related operating expense for these projects is deferred to the 2002-2004 fiscal biennium pending action of the 2002 General Assembly.

New court facility projects authorized with net funding requirements deferred to FB 2002-2004 are as follows:

<u>Project/County</u>	<u>Project Scope</u>	<u>Completion Date</u>	<u>Net Ct. Sq. Ft.</u>	<u>Court Ratio</u>	<u>Nonrecurring Furniture & Equipment</u>	<u>FY 2000-2001 Cost</u>	<u>FY 2001-2002 Cost</u>	<u>Annual 8% Use Allowance Cost Includes Operating Exp.</u>
Casey	6,837,200	April 2001	20,000	100%	390,500	552,300	647,400	647,400
Magoffin	7,606,200	July 2001	21,000	100%			707,000	707,000
Knott	6,903,200	April 2001	20,000	100%	448,300	600,100	607,400	607,400
Bullitt	14,336,600	April 2002	34,000	100%	653,500		961,700	1,232,700
Wayne	7,399,300	April 2001	21,500	100%	426,900	600,400	694,300	694,300
Johnson	7,461,200	April 2001	21,700	100%	491,100	643,200	608,400	608,400
Perry	8,490,200	January 2002	21,000	100%	549,200		913,800	729,200
Muhlenberg	6,958,500	April 2001	20,000	100%	431,700	581,900	600,700	600,700
Clay	7,075,800	April 2001	21,000	100%	417,100	580,000	651,700	651,700
Simpson	7,263,700	January 2002	20,000	100%	435,000		762,000	654,100
Breathitt	6,735,400	January 2002	21,000	100%	437,700		750,800	626,100
Metcalfe	5,439,300	April 2001	15,000	100%	362,200	486,900	498,800	498,800
Carter	7,472,100	January 2002	20,000	100%	333,700		672,600	677,800
Cumberland	5,560,200	July 2001	20,000	100%			519,200	519,200
Nelson	12,553,800	April 2002	35,000	100%	810,300		1,097,200	1,147,400
Furniture and Equipment*					735,300	735,300		
Total	\$118,092,700				\$6,922,200	\$4,780,100	\$10,693,000	\$10,602,200

The Conference adds Part III, General Provisions, language provision relating to Additional Fees and Costs as follows:

10. a. A fiscal court, by ordinance, may assess additional fees and costs, for the purpose of paying expenses for courthouses, bonds related to them, and administration thereof in Circuit Court and District Court:

(1) In civil cases, a fee of up to twenty-five dollars (\$25) may be added to filing fees.

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BUDGET MODIFICATION REPORT

Local Facilities Fund

- (2) In criminal cases, a cost of up to twenty-five dollars (\$25) may be added to the court costs that the defendant is required to pay.
 - (3) In civil cases that are appealed from Circuit Court to the Court of Appeals, a fee of up to twenty-five dollars (\$25) may be added to the filing fees.
 - (4) In all traffic offenses, a fee of up to ten dollars (\$10) may be added to the court cost for each traffic offense.
 - (5) In probate cases, a filing fee of up to ten dollars (\$10) may be added to each filing fee.
 - (6) In misdemeanor cases, a cost of up to twenty dollars (\$20) may be added to the court costs.
 - (7) In small claims, a fee of up to ten dollars (\$10) may be added to all filing fees.
 - (8) In civil cases, a fee of up to ten dollars (\$10) may be added to all filing fees.
- b. A fiscal court, by ordinance, may assess additional fees on subpoena and civil summons service by the local sheriff, for the purpose of paying expenses for courthouses, bonds related to them and administration thereof. The fees may be added as follows:
- (1) In addition to the fees normally charged for the service of a subpoena, the person requesting service may be charged a fee of up to ten dollars (\$10).
 - (2) In addition to the fees normally charged for the service of a civil summons, the person requesting service may be charged a fee of up to ten dollars (\$10).

**CONFERENCE BUDGET REPORT ANALYSIS
2000 GENERAL ASSEMBLY -- CAPITAL BUDGET SUMMARY**

Governmental Branch: Judicial Branch
Cabinet/Function: Court of Justice

Agency: Local Facilities
Appropriation Unit: Local Facilities Fund

FY 1999-2000			FY 2000-2001			FY 2001-2002		
House	Senate	Conference	House	Senate	Conference	House	Senate	Conference

I. CAPITAL PROJECT RECAP BY FUND SOURCE

TOTAL CAPITAL

II. CAPITAL PROJECTS

1 (0250088) Boone County - Additional Scope HOUSE: (\$8,328,100); SENATE: 0; CONFERENCE: (\$8,328,100)

Total

1 (0250095) Bourbon County - Additional Scope HOUSE: (\$2,400,000); SENATE: 0; CONFERENCE: (\$2,400,000)

Total

1 (0250092) Christian County - Additional Scope HOUSE: 0; SENATE: 0; CONFERENCE: (\$8,284,200)

Total

1 (0250093) Harlan County - Additional Scope HOUSE: (\$5,070,400); SENATE: 0; CONFERENCE: (\$5,070,400)

Total

1 (0250094) Harrison County - Additional Scope HOUSE: (\$3,079,700); SENATE: 0; CONFERENCE: (\$3,079,700)

Total

2 (0250049) Casey County - Project Scope HOUSE: (\$6,837,200); SENATE: 0; CONFERENCE: (\$6,837,200)

Total

3 (0250073) Magoffin County - Project Scope HOUSE: 0; SENATE: 0; CONFERENCE: (\$7,606,200)

Total

4 (0250050) Knott County - Project Scope HOUSE: 0; SENATE: 0; CONFERENCE: (\$6,903,200)

Total

5 (0250051) Bullitt County - Project Scope HOUSE: 0; SENATE: 0; CONFERENCE: (\$14,336,600)

Total

**CONFERENCE BUDGET REPORT ANALYSIS
2000 GENERAL ASSEMBLY -- CAPITAL BUDGET SUMMARY**

Governmental Branch: Judicial Branch
Cabinet/Function: Court of Justice

Agency: Local Facilities
Appropriation Unit: Local Facilities Fund

FY 1999-2000			FY 2000-2001			FY 2001-2002		
House	Senate	Conference	House	Senate	Conference	House	Senate	Conference

II. CAPITAL PROJECTS

6 (0250052) **Wayne County- Project Scope HOUSE: 0; SENATE: 0; CONFERENCE: (\$7,399,300)**

Total

7 (0250053) **Johnson County - Project Scope HOUSE: 0; SENATE: 0; CONFERENCE: (\$7,461,200)**

Total

8 (0250054) **Perry County - Project Scope HOUSE: 0; SENATE: 0; CONFERENCE: (\$8,490,200)**

Total

9 (0250055) **Muhlenberg County - Project Scope HOUSE: (\$6,958,500); SENATE: 0; CONFERENCE: (\$6,958,500)**

Total

10 (0250078) **Clay County - Project Scope HOUSE: 0; SENATE: 0; CONFERENCE: (\$7,075,800)**

Total

11 (0250056) **Simpson County - Project Scope HOUSE: (\$7,263,700); SENATE: 0; CONFERENCE: (\$7,263,700)**

Total

12 (0250059) **Breathitt County - Project Scope HOUSE: 0; SENATE: 0; CONFERENCE: (\$6,735,400)**

Total

13 (0250079) **Metcalf County - Project Scope HOUSE: 0; SENATE: 0; CONFERENCE: (\$5,439,300)**

Total

14 (0250083) **Carter County - Project Scope HOUSE: (\$7,472,100); SENATE: 0; CONFERENCE: (\$7,472,100)**

Total

15 (0250084) **Cumberland County - Project Scope HOUSE: 0; SENATE: 0; CONFERENCE: (\$5,560,200)**

Total

16 (0250074) **Nelson County - Project Scope HOUSE: 0; SENATE: 0; CONFERENCE: (\$12,553,800)**

CONFERENCE BUDGET REPORT ANALYSIS
2000 GENERAL ASSEMBLY -- CAPITAL BUDGET SUMMARY

Governmental Branch: Judicial Branch
Cabinet/Function: Court of Justice

Agency: Local Facilities
Appropriation Unit: Local Facilities Fund

FY 1999-2000			FY 2000-2001			FY 2001-2002		
House	Senate	Conference	House	Senate	Conference	House	Senate	Conference

II. CAPITAL PROJECTS

16 (0250074) Nelson County - Project Scope HOUSE: 0; SENATE: 0; CONFERENCE: (\$12,553,800)

Total

17 (0250089) Franklin County - Lease Court of Appeals (Democrat Drive)

Total

18 (0250090) Franklin County - Lease Office Space (Millcreek Park)

Total

19 (0250091) Jefferson County Courts Parking Lease

Total

TOTAL

CONFERENCE BUDGET REPORT ANALYSIS
2000 GENERAL ASSEMBLY -- OPERATING BUDGET SUMMARY

Governmental Branch: Judicial Branch
Cabinet/Function: Court of Justice

Agency: Local Facilities
Appropriation Unit: Use Allowance Contingency Fund

	FY 1999-2000			FY 2000-2001			FY 2001-2002		
	House	Senate	Conference	House	Senate	Conference	House	Senate	Conference
I. APPROPRIATIONS SUMMARY BY FUND SOURCE									
General Fund	1,422,500	1,422,500	1,422,500						
Regular Total Funds	1,422,500	1,422,500	1,422,500						
General Fund Continuing	41,500	41,500	41,500						
GRAND TOTAL FUNDS	1,464,000	1,464,000	1,464,000						
II. EXPENDITURE CATEGORY									
Operating Expenses	1,464,000	1,464,000	1,464,000						
TOTAL EXPENDITURES	1,464,000	1,464,000	1,464,000						
III. BASE LEVEL BUDGET BY FUND SOURCE									
General Fund	1,422,500	1,422,500	1,422,500						
Regular Total Funds	1,422,500	1,422,500	1,422,500						
General Fund Continuing	41,500	41,500	41,500						
TOTAL BASE LEVEL	1,464,000	1,464,000	1,464,000						

FB 2000-2002
BUDGET MODIFICATION REPORT

Local Facilities Use Allowance Contingency Fund

BRANCH BUDGET

The Branch Budget provides additional General Fund support totaling \$897,000 in each fiscal year of the biennium for a Court Facility Use Allowance Contingency Fund.

The Branch Budget Bill, Part I, Operating Budget, includes language provision that directs: General Fund amounts are included to provide for cost overruns in court facilities projects authorized by the 1998 General Assembly not to exceed fifteen percent (15%) of the use allowance. Any overrun not to exceed fifteen percent (15%) shall be approved by the Court Facilities Standards Committee and reported to the Capital Projects and Bond Oversight Committee. The Director of the Administrative Office of the Courts may authorize the transfer of funds to the Court of Justice Local Facilities Fund as required for any authorized cost overruns.

The Branch Budget Bill, Part I, Operating Budget, includes language provision that directs, notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 1999-2000 shall not lapse and shall continue into fiscal year 2000-2001, and any unexpended balance at the close of fiscal year 2000-2001 shall not lapse and shall be continued into fiscal year 2001-2002.

HOUSE REPORT

The House amends the Branch Budget recommendation to include Part I, Operating Budget language provision as follows: Notwithstanding KRS 45.229, General Fund support totaling \$414,500 in fiscal year 1999-2000 shall not be expended, but be continued into fiscal year 2000-2001 and appropriated to the Local Facilities Fund. Notwithstanding KRS 45.229, any unexpended remaining balance shall not lapse, but be continued into fiscal year 2000-2001 to provide for cost overruns in court facilities projects authorized by the 1998 General Assembly not to exceed fifteen percent (15%) of the use allowance. Any overrun not to exceed fifteen percent (15%) shall be approved by the Court Facilities Standards Committee and reported to the Capital Projects and Bond Oversight Committee. The Director of the Administrative Office of the Courts may authorize the transfer of funds to the Court of Justice Local Facilities Fund as required for any authorized cost overruns.

SENATE REPORT

The Senate concurs with the House Recommendation with the following change:

The Senate amends Part I, Operating Budget, language provision as follows: Notwithstanding KRS 45.229, General Fund support totaling \$414,500 in fiscal year 1999-2000 shall not be expended, but be continued into fiscal year 2000-2001 and appropriated to the Local Facilities Fund. Notwithstanding KRS 45.229, any remaining unexpended balance shall not lapse, but be continued into fiscal year 2000-2001 and any remaining unexpended balance at the close of fiscal year 2000-2001 shall not lapse, but be continued into fiscal year 2001-2002 to provide for cost overruns in authorized court facilities projects not to exceed fifteen percent (15%) of the use allowance. Any overrun not to exceed fifteen percent (15%) shall be approved by the Court Facilities Standards Committee and reported to the Capital Projects and Bond Oversight Committee. The Director of the Administrative Office of the Courts may authorize the transfer of funds to the Court of Justice Local Facilities Fund as required for any authorized cost overruns.

CONFERENCE REPORT

The Conference concurs with the Senate.

**CONFERENCE BUDGET REPORT ANALYSIS
2000 GENERAL ASSEMBLY -- OPERATING BUDGET SUMMARY**

Governmental Branch: Judicial Branch
Cabinet/Function: Judicial Retirement Systems

Agency: Judicial Form Retirement System
Appropriation Unit: Judicial Form Retirement System

	FY 1999-2000			FY 2000-2001			FY 2001-2002		
	House	Senate	Conference	House	Senate	Conference	House	Senate	Conference
I. APPROPRIATIONS SUMMARY BY FUND SOURCE									
General Fund	6,418,000	6,418,000	6,418,000	4,616,700	4,196,700	4,196,700	4,633,400	4,633,400	4,213,400
Regular Total Funds	6,418,000	6,418,000	6,418,000	4,616,700	4,196,700	4,196,700	4,633,400	4,633,400	4,213,400
General Fund Continuing									
GRAND TOTAL FUNDS	6,418,000	6,418,000	6,418,000	4,616,700	4,196,700	4,196,700	4,633,400	4,633,400	4,213,400
II. EXPENDITURE CATEGORY									
Personnel Costs	299,000	299,000	299,000	318,700	318,700	318,700	335,400	335,400	335,400
Operating Expenses	6,119,000	6,119,000	6,119,000	4,298,000	3,878,000	3,878,000	4,298,000	4,298,000	3,878,000
TOTAL EXPENDITURES	6,418,000	6,418,000	6,418,000	4,616,700	4,196,700	4,196,700	4,633,400	4,633,400	4,213,400
III. BASE LEVEL BUDGET BY FUND SOURCE									
General Fund	6,418,000	6,418,000	6,418,000	4,196,700	4,196,700	4,196,700	4,213,400	4,213,400	4,213,400
Regular Total Funds	6,418,000	6,418,000	6,418,000	4,196,700	4,196,700	4,196,700	4,213,400	4,213,400	4,213,400
General Fund Continuing									
TOTAL BASE LEVEL	6,418,000	6,418,000	6,418,000	4,196,700	4,196,700	4,196,700	4,213,400	4,213,400	4,213,400
IV. ADDITIONAL BUDGET RECAP BY FUND SOURCE									
General Fund				420,000			420,000	420,000	
TOTAL ADDITIONAL				420,000			420,000	420,000	
V. ADDITIONAL BUDGET ITEMS									
1 EXPAN	Senior Judges Program (Rule of 75)								
(020CEX01)	Provide funds to allow judges to retire with enhanced benefits contingent upon passage of enabling legislation. SENATE: Provide funds in FY 2001-2002. CONF: Direct funds to be provided from Base Level Budget in each fiscal year.								
General Fund				420,000			420,000	420,000	
Total				420,000			420,000	420,000	
TOTAL ADDITIONAL				420,000			420,000	420,000	

FB 2000-2002 BUDGET MODIFICATION REPORT

Judicial Form Retirement Systems

BRANCH BUDGET

The Branch Budget recommends funding for existing services and programs in FB 2000-2002 with the following exceptions:

Additional General Fund support totaling \$420,000 is provided in each fiscal year of the biennium for the Senior Judges Program (Rule of 75), contingent upon enabling legislation amending KRS 21.400, to allow judges whose combined years of service and age equal or exceed the number 75 to retire with enhanced benefits, provided they serve 90 days each year for five years without further compensation. For those judges who qualify, the retirement service credit factor would be 5%, subject to reduction at 5% per year for each year before normal retirement age.

The Branch Budget Bill, Part I, Operating Budget, includes language provision that directs: General Fund amounts are included to provide for the 1999 actuarial assessed needs of the Judicial Form Retirement System. Included in the above General Fund appropriation is \$420,000 in each fiscal year contingent upon passage of enabling legislation related to the senior status program for special judges.

HOUSE REPORT

The House concurs with the Branch Budget recommendation.

SENATE REPORT

The Senate concurs with the House with the following changes:

The Senate provides, Part I, Operating Budget, language provision that directs: General Fund amounts are included to provide for the 1999 actuarial assessed needs of the Judicial Form Retirement System. Included in the above General Fund appropriation is \$420,000 in fiscal year 2001-2002 contingent upon passage of enabling legislation related to the senior status program for special judges.

CONFERENCE REPORT

The Conference concurs with the Senate with the following changes:

The Conference provides Part I, Operating Budget, language provision that directs: General Fund amounts are included to provide for the 1999 actuarial assessed needs of the Judicial Form Retirement System.

The Conference provides Part I, Operating Budget, language provision that directs: Included in the above General Fund appropriation is \$420,000 in each fiscal year for the senior status program for special judges in accordance with legislation enacted by the 2000 General Assembly.